

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

RICHARD F. DAINES, M.D., as Commissioner of
Health of the State of New York, to determine the action to be
taken with respect to:

Americare Certified Special Services, Inc.
5923 Strickland Avenue
Brooklyn, New York 11234

Respondent

STIPULATION

AND

ORDER

arising out of alleged violations of Article 36 of the Public Health Law
of the State of New York and Title 10 (Health) of the Official
Compilation of Codes, Rules and Regulations of the State of New York
(NYCRR).

HHC-10-15

WHEREAS, the New York State Department of Health (the "Department") has
conducted surveys and inspections of Americare Certified Special Services, Inc. ("Respondent")
and has found alleged violations of Article 36 of the Public Health Law and Title 10 (Health) of
the Official Compilation of Codes, Rules and Regulations of the State of New York (10
NYCRR); and

WHEREAS, the Department issued Statements of Deficiencies to Respondent on January
31, 2006, June 4, 2007, December 27, 2007 and February 13, 2008, in response to surveys
completed by the Department on those dates; and

WHEREAS, the parties wish to resolve this matter by means of a settlement instead of an
adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The matter relating to alleged violations of Article 36 of the Public Health Law and 10 NYCRR, as set forth in the Statements of Deficiencies, dated January 31, 2006, June 4, 2007, December 27, 2007 and February 13, 2008 is settled and discontinued with prejudice upon the terms and conditions set forth in this Stipulation and Order.

2. Solely for the purpose of resolving the instant administrative matter, Respondent admits as a matter of fact and law the existence of evidence of violations of 10 NYCRR Sections 763.11(a) [Governing Authority]; 763.11(b) [Governing Authority]; 763.4(h) [Policy and Procedure of Service Delivery]; and 763.6(b) [Patient Assessment and Plan of Care]. The foregoing admission is not intended for use in any other forum, tribunal or court, including any Medicare or Medicaid enforcement proceeding and including any civil or criminal proceeding in which the issues or burden of proof may differ. Any such admission is without prejudice to the Respondent's rights, defenses and claims in any other matter, proceeding, action, hearing or litigation not involving the Department. It is agreed that the foregoing admission is not intended to be dispositive of any allegations of medical malpractice that may be made in a civil action for monetary damages.

3. The Department agrees that the foregoing admission will not be used as the sole basis for an adverse recommendation as to the Respondent's character and competence in any review of an application for any permit or license issued by the Department.

4. Pursuant to Sections 12 and 206 of the Public Health Law, the Respondent shall be liable for a civil penalty of Eight Thousand Dollars (\$8,000.00).

5. Payment shall be made to the New York State Department of Health, Bureau of Accounts Management, Corning Tower, Room 1717, Empire State Plaza, Albany, New York

12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits and licenses. [Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32].

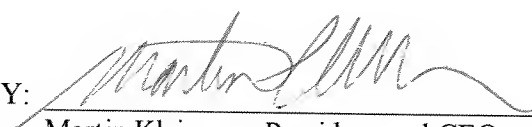
6. The Respondent consents to the issuance of this Stipulation and Order, accepts its terms and conditions, and waives any right to challenge or review this Stipulation and Order through administrative or judicial proceedings, including a proceeding pursuant to Article 78 of the Civil Practice Law and Rules.

7. This Stipulation and Order shall be effective upon service on Respondent or Respondent's attorney or representative of a copy by personal service or by certified or registered mail.

DATED: New York, New York
NOVEMBER 18 2010

AMERICARE CERTIFIED SPECIAL
SERVICES, INC.

BY:

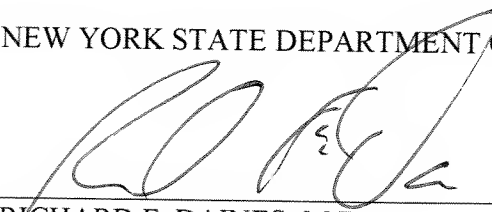

Martin Kleinman, President and CEO

AGREED AND SO ORDERED:

DATED: Albany, New York
12/11/10, 2010

NEW YORK STATE DEPARTMENT OF HEALTH

BY:


RICHARD F. DAINES, M.D.
Commissioner of Health

TO: Martin Kleinman, President and CEO
Americare Certified Special Services, Inc.
171 Kings Highway
Brooklyn, NY 11223

Inquiries to: MARK FLEISCHER, Director, Bureau of Administrative Hearings
Telephone: (518) 473-1707
Fax: (518) 486-1858

Mail Payment To:

New York State Department of Health
Bureau of Accounts Management
Corning Tower, Room 1717
Empire State Plaza
Albany, New York 12237-0016